

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMERCE AND INDUSTRY INSURANCE
COMPANY and AMERICAN INTERNATIONAL
SPECIALTY LINES INSURANCE COMPANY,

Plaintiffs,

-against-

U.S. BANK NATIONAL ASSOCIATION, AS
INDENTURE TRUSTEE FOR THE REGISTERED
HOLDERS OF FMAC LOAN RECEIVABLES
TRUSTS 1997-B, 1998-B, 1998-C, 1998-D AND
2000-A,

Defendant.

1:07-CV-5731 (JGK)(RLE)

**NOTICE OF MOTION TO ADMIT
DAVID H. TIMMINS PRO HAC VICE**

PLEASE TAKE NOTICE that upon the annexed Declaration of John D. Lovi, Esq., sworn to on January 3, 2008, in support of this motion and the Certificate of Good Standing annexed thereto, plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company will move this Court, before the Honorable John G. Koeltl, at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of David H. Timmins, an attorney with the firm of Gardere Wynne Sewell LLP, as attorney *pro hac vice* for plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company in the above-captioned case.

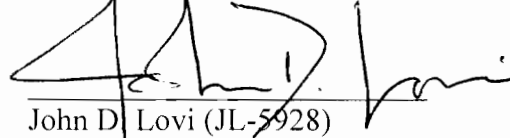
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

637323 \$25 1-4-08 ma

Dated: New York, New York
January 3, 2008

STEPTOE & JOHNSON LLP

By:

A handwritten signature in black ink, appearing to read "John D. Lovi", written over a horizontal line.

John D. Lovi (JL-5928)
750 Seventh Avenue, 19th Floor
New York, New York 10019
(212) 506-3900

*Attorneys for Plaintiffs/Counterclaim Defendants
American International Specialty Lines Insurance
Company and Commerce & Industry Insurance
Company*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMERCE AND INDUSTRY INSURANCE
COMPANY and AMERICAN INTERNATIONAL
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Defendant.

1:07-CV-5731 (JGK)(RLE)

**DECLARATION OF JOHN D. LOVI
IN SUPPORT OF MOTION TO
ADMIT COUNSEL PRO HAC VICE**

JOHN D. LOVI states as follows:

1. I am a member of the Bar of this Court and the firm of Steptoe & Johnson LLP, counsel for plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company in the above-captioned case. I make this declaration in support of the motion of plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company for the admission of David H. Timmins, Esq. to practice *pro hac vice* as counsel for plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company in the above-captioned case.

2. Mr. Timmins is an attorney at Gardere Wynne Sewell LLP in Dallas, Texas. Mr. Timmins is a member in good standing with the State Bar of Texas. (A certified copy of Mr. Timmins's certificate of good standing with the State Bar of Texas is annexed hereto as Exhibit A).

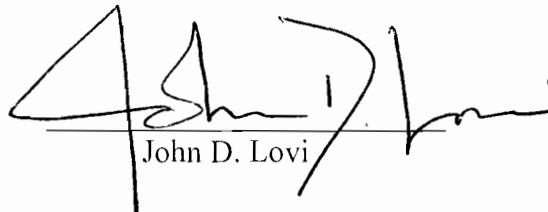
3. I have known David H. Timmins since 2005. I have found Mr. Timmins to be a person of integrity and good character. He is an experienced attorney and has advised me that he is familiar with the Federal Rules of Civil Procedure and with the Local Rules of this Court.

4. There are no pending disciplinary proceedings against Mr. Timmins in any State or Federal Court.

5. Wherefore, I respectfully request that David H. Timmins, Esq., be admitted to practice *pro hac vice* as counsel for plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company in the above-captioned case.

6. Pursuant to 28 U.S.C.A. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 3, 2008



John D. Lovi

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

December 11, 2007

Re: David H. Timmins, State Bar Number 00785106

To Whom It May Concern:

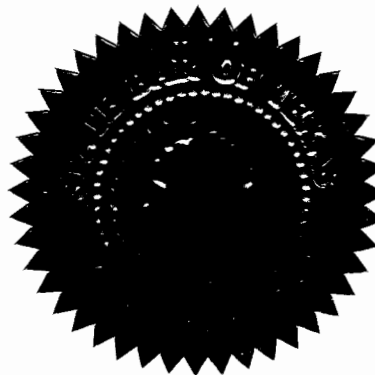
This is to certify that Mr. David H. Timmins was licensed to practice law in Texas on November 6, 1992, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues and attorney occupation tax; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension.

No previous disciplinary sanctions have been entered against Mr. Timmins' law license.

Sincerely,

John A. Neal
Chief Disciplinary Counsel

JN/ss



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMERCE AND INDUSTRY INSURANCE
COMPANY and AMERICAN INTERNATIONAL
SPECIALTY LINES INSURANCE COMPANY,

Plaintiffs,

-against-

U.S. BANK NATIONAL ASSOCIATION, AS
INDENTURE TRUSTEE FOR THE REGISTERED
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TRUSTS 1997-B, 1998-B, 1998-C, 1998-D AND
2000-A,

Defendant.

1:07-CV-5731 (JGK)(RLE)

ORDER

IT IS HEREBY ORDERED THAT the motion for admission *pro hac vice* in the above-captioned matter is granted. The admitted attorney, David H. Timmins, Esq., is permitted to argue or try this particular case in whole or in part as counsel or advocate for plaintiffs Commerce and Industry Insurance Company and American International Specialty Lines Insurance Company.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 per attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission *pro hac vice* for the above-listed case will be made on the roll of attorneys.

The attorney admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

Dated: January __, 2008

S O O R D E R E D:

John G. Koeltl, U. S. D. J.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

COMMERCE AND INDUSTRY INSURANCE
COMPANY and AMERICAN INTERNATIONAL
SPECIALTY LINES INSURANCE COMPANY,

Plaintiffs,

vs.

U.S. BANK NATIONAL ASSOCIATION, AS
INDENTURE TRUSTEE FOR THE REGISTERED
HOLDERS OF FMAC LOAN RECEIVABLES TRUSTS
1997-B, 1998-B, 1998-C, 1998-D AND 2000-A,

Defendants.

06 CV 5731 (JGK)(RLE)

AFFIDAVIT OF SERVICE

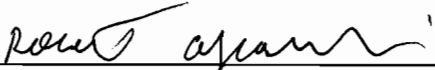
State of New York)
) ss.:
County of New York))

Robert Ajiashvili, being duly sworn, deposes and says:

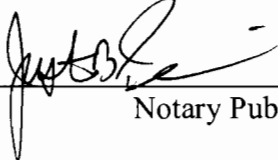
1. I am over the age of eighteen (18) years and am not a party to this action. I reside in New York, New York.

2. On January 4, 2008, I served a true and correct copy of (i) Notice of Motion, dated January 3, 2008; (ii) Declaration of John D. Lovi in Support of Motion to Admit David H. Timmins Pro Hac Vice, dated January 3, 2008; and (iii) Proposed Order upon the parties listed below by First-Class United States Mail:

Charles E. Dorkey, III, Esq.
McKenna Long & Aldridge
30 Park Avenue
New York, NY 10169


Robert Ajashvili

Sworn to before me on January 4, 2008


Notary Public

State of New York
County of New York
Sworn to before me this
4th day of January, 2008

JUSTIN B. PERRI
NOTARY PUBLIC-STATE OF NEW YORK
No. 02PE6134281
Qualified in New York County
My Commission Expires September 26, 2009